



2003 Adoption State Statutes Series Statutes-at-a-Glance Placement of Children With Relatives

What You Need to Know

In order for States to receive Federal payments for foster care and adoption assistance, Federal law requires that they “consider giving preference to an adult relative over a non-related caregiver when determining placement for a child, provided that the relative caregiver meets all relevant State child protection standards.”¹ (Placement refers to the placing of a child in the home of an individual other than a parent or guardian or in a facility other than a youth services center.) Approximately² 14 States use the word “preference” in their statutes. Approximately six States, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands make no reference to placement with relatives pending permanent placement of a child removed from his or her parents’ home. The remaining States use statutory language such as “may consider” or “give priority to” placement with relatives.

Preference to Relatives

Each State defines “relative” differently, including relatives through blood, marriage, or adoption ranging from the 1st to the 5th degree. Generally, preference is given to the child’s grandparents, followed by aunts, uncles, and adult siblings. For Indian children, some States (for example, Minnesota, Nebraska, and Utah), allow members of the child’s Tribe to be considered “extended family members” for placement purposes.

The main requirements for placement are that the relative be “fit and willing,” able to ensure the child’s safety, and able to meet the child’s needs. Several States require relatives to undergo a criminal background check that may include all adult members of the household.

Relatives with whom a child is placed for foster care are given preference for permanent placement if reunification with the birth parents is determined not to be in the child’s best interest.

¹ 42 U.S.C. 671(a)(19).

² The word *approximately* is used to stress the fact that statutes are constantly being revised and updated.



**Financial
Support**

Several States (Alabama, Arkansas, Delaware, Florida, Kentucky, Louisiana, Nevada, South Carolina, Tennessee, Wisconsin, and the District of Columbia) have established “kinship care” or “relative caregiver” programs by statute to provide relatives with benefits to help offset the cost of caring for a placed child. Typically, if a relative qualifies for kinship foster care, he or she may receive payments at the full foster care rate and any other benefits available to foster parents, whether in money or services.

This document sets forth the laws of each State regarding placement with and adoption by relatives.

The Statutes-at-a-Glance listings summarize specific sections of each State's code. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures. Readers interested in the interpretation of specific statutory provisions within an individual jurisdiction should consult with professionals within the State familiar with the statutes' implementation.

Statutes-at-a-Glance publications also are available on the Clearinghouse Web site (<http://naic.acf.hhs.gov>). Our online State Statutes database is searchable by State or Region.

Alabama**Relative(s) Who May Adopt****Statute: § 26-10A-28**

Grandparents, great-grandparents, great-uncle or aunt, siblings, half-siblings, aunt or uncle of the 1st degree and their respective spouses

Requirements for Adoption by Relatives**Statute: § 26-10A-28**

The adopted person must reside for 1 year with the relative. The court may waive this provision.

A pre-placement investigation is not required.

No report of fees or charges under § 26-10A-23 is required, unless ordered by the court.

Relatives for Placement or Guardianship**Statute: § 38-12-2**

When a child has been removed from his or her home, the department shall attempt to place the child with a relative for kinship foster care.

Relatives within the 1st, 2nd, or 3rd degree to the parent or stepparent, through blood, marriage, or adoption may be considered.

The kinship foster parent shall be 21 years of age or older. The department may waive the age requirement.

Requirements for Placement with Relatives**Statute: §§ 38-12-2; 38-12-3**

A relative may receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services under the kinship foster care program.

Relatives must undergo a criminal background check in order to receive benefits.

Alaska**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: § 47.14.100**

A child may not be placed in a foster home or in the care of an agency or institution providing care for children if a relative by blood or marriage requests placement of the child in their home.

Requirements for Placement with Relatives**Statute: § 47.14.100**

- Criminal background check
- Check for history of child abuse or domestic violence
- Determination that placement will not result in physical or mental injury to the child

Poverty, including inadequate or overcrowded housing, is not *prima facie* evidence that such injury will occur.

American Samoa**Relative(s) Who May Adopt****Statute: § 45.0412**

The person who has had the child living in his home for 1 year or more

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: § 45.0403**

Upon termination of parental rights the court may consider, but shall not be bound by, a request that guardianship be placed in a grandparent, aunt, uncle, brother, or sister of the child.

Requirements for Placement with RelativesNot addressed in statutes reviewed

Arizona**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: § 8-514.03**

Must be least 18 years of age

Requirements for Placement with Relatives**Statute: § 8-514.03**

The department shall establish kinship foster care services to promote the placement of the child with relatives.

All members of the household over 18 must submit to a criminal background check.

The relative may receive financial assistance such as foster care benefits and TANF.

Arkansas**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: §§ 9-9-102; 9-28-502**Preferential consideration shall be given to an adult relative over a nonrelated caregiver provided he or she meets all relevant child protection standards. This includes any relative within the 1st, 2nd, or 3rd degree of relation to the parent or stepparent of a child through blood or marriage.

Requirements for Placement with Relatives**Statute: § 9-28-503**

Kinship foster parents shall meet standards and requirements set for all foster parents, including, but not limited to:

- Training
- Background checks
- Home study requirements

The relative shall be eligible to receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.

California**Relative(s) Who May Adopt****Statute: Fam. Code § 8714.5**

An adult who is related to the child or the child's half-sibling, or the spouse of any relative, even if the marriage was terminated

Requirements for Adoption by Relatives**Statute: Fam. Code §§ 8730, 8735, 8732**

- Ongoing and significant relationship with child
- Home study
- Criminal background check
- Medical examination and testing for tuberculosis
- Child abuse and neglect history check
- Financial stability

Relatives for Placement or Guardianship**Statute: Welf. & Inst. Code § 361.3**

Upon removal of a child from a parent, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative.

Only an adult who is a grandparent, aunt, uncle, or sibling will be given preferential consideration for the placement of the child.

Requirements for Placement with Relatives**Statute: Welf. & Inst. Code §§ 361.3; 11404.2**

- Criminal background check
- Ability of relative to provide a safe, secure, and stable environment; exercise proper and effective care and control of the child; provide a home and the necessities of life; protect the child from his or her parents and provide legal permanence if reunification fails

The relative will be eligible for foster care payments.

Colorado**Relative(s) Who May Adopt****Statute: § 19-1-103(71.5)**

A kinship adoption refers to the adoption of a child by a grandparent, brother, sister, half-sibling, aunt, uncle, or first cousin and the spouses of such relatives.

Requirements for Adoption by Relatives**Statute: §§ 19-1-103; 19-5-208**

The relative:

- Has had physical custody of the child for a period of 1 year or more and the child is not the subject of a pending dependency and neglect proceeding
- Must undergo criminal background check and check for history of abuse and neglect
- Should determine eligibility for TANF, Medicaid, and subsidized adoption

Relatives for Placement or Guardianship**Statute: §§ 19-3-508; 19-3-605**

If the court finds that placement out of the home is necessary, the court shall place the child with a relative, with preference to the child's grandparent, aunt, uncle, brother, or sister of the child who files before termination of parental rights.

Requirements for Placement with Relatives**Statute: § 19-3-403**

The relative should be capable, willing, and available for care, if in the best interests of the child.

Connecticut**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: § 17a-126**

A relative caregiver is a person who is caring for a child related to such person because the parent of the child has died or become otherwise unable to care for the child for reasons that make reunification with the parent not a viable option.

Requirements for Placement with Relatives**Statute: §§ 17a-114; 17a-126**

Any relative who accepts placement of a child in excess of a 90-day period shall be subject to licensure by the commissioner. Licensure requires a criminal background check.

The subsidized guardianship program provides benefits for a relative caregiver, including a special-need subsidy, a medical subsidy, and a monthly subsidy equal to the prevailing foster care rate. The subsidy shall continue until the child reaches age 18, or age 21 if in school or equivalent.

Delaware**Relative(s) Who May Adopt****Statute: Tit. 10, § 901(13); Tit. 31, § 351(1)**

A grandparent, brother, sister, half-sibling, aunt, uncle, or first cousin and the spouses of such relatives

Requirements for Adoption by Relatives**Statute: Tit. 13, §§ 912; 913**

- A social study including information regarding the child, the adoptive parents and their home, the physical and mental condition of the child, and the suitability of the placement
- Residence of the child in the home of the petitioner for at least 1 year

The child does not have to be legally free prior to the filing of the adoption petition.

Relatives for Placement or Guardianship**Statute: Tit 31, § 356**

The Kinship Care Program promotes placement of children with relatives when a child needs out-of-home placement. The caregiver must be related to the child by blood or marriage within the 5th degree.

Requirements for Placement with Relatives**Statute: Tit 31, § 356**

Guidelines for eligibility for benefits and services under the Kinship Care Program include:

- The caregiver must have guardianship of the child or actively pursue guardianship.
- The child must reside in the home of the caregiver.
- The caregiver must have income of no more than 200% of the Federal poverty level.
- The parent(s) of a child may not reside in the home of the kinship caregiver.

District of Columbia**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: §§ 16-2323; 4-1301.02**

If reunification with the parents is not possible, the department should make another planned permanent living arrangement, such as with a kinship caregiver.

A kinship caregiver should be at least 21 and either a relative of the child by blood, marriage, or adoption or a godparent of the child.

Requirements for Placement with Relatives**Statute: §§ 4-1301.02; 4-205.15**

- The relative is providing, or is willing to provide for, the day-to-day care of the child.
- Relatives may apply for TANF assistance on behalf of a child as long as the child resides in the household.
- The child's birth parents may not reside in the same household if receiving TANF benefits.

Florida**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Statute: § 39.5085

The Relative Caregiver Program provides financial assistance to relatives who are within the 5th degree by blood or marriage to the parent or stepparent of a child and who are caring for the child as a result of a court's determination of child abuse, neglect, or abandonment.

Requirements for Placement with Relatives

Statute: § 39.5085

Relatives must be capable of providing a physically safe environment and a stable, supportive home for the child including the provision of immunizations, education, and mental health services as needed.

The benefit payment shall be based on the child's age within a payment schedule and subject to availability of funding.

Georgia**Relative(s) Who May Adopt**

Statute: § 19-8-7

A child may be adopted by a relative who is related by blood or marriage to the child as a grandparent, aunt, uncle, great aunt, great uncle, or sibling and any spouse of such relatives.

Requirements for Adoption by Relatives

Statute: § 19-8-7

Adoption may occur after the voluntary surrender in writing of all rights to the child by the parent or guardian.

The child, if age 14 or older, must consent to the adoption.

Relatives for Placement or Guardianship

Statute: § 15-11-103

Upon termination of the parental rights of a parent, the court shall first attempt to place the child with a person related to the child by blood or marriage or with a member of the child's extended family.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Guam**Relative(s) Who May Adopt**

Statute: Tit. 19, §§ 4206, 4202

A relative of the child within the 2nd degree either by blood or affinity including stepparents, sisters, brothers, grandparents, aunts and uncles may adopt.

Requirements for Adoption by Relatives

Statute: Tit. 19, § 4206

Written consent by each parent of the child or if there is no parent, by the guardian of the child, is required.

A child over 12 years old must consent to the adoption.

Relatives for Placement or Guardianship

Not addressed in statutes reviewed

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Hawaii**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Not addressed in statutes reviewed

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Idaho**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Not addressed in statutes reviewed

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Illinois**Relative(s) Who May Adopt**

Statute: 20 ILCS 505/7

- Any person, over age 21, who is related to the child by blood or adoption such as grandparent, sibling, great-grandparent, uncle, aunt, nephew, cousins, and the spouse of such relatives
- Includes 'step' relatives

Requirements for Adoption by Relatives

Statute: 20 ILCS 505/7

- Ability to adequately provide for the child's safety and welfare
 - Criminal record check and history of child abuse check of all members of the household
-

Relatives for Placement or Guardianship**Statute: 20 ILCS 505/7**

- Any person, over age 21, who is related to the child by blood or adoption such as grandparent, sibling, great-grandparent, uncle, aunt, nephew, cousins, and the spouse of such relatives
- Includes 'step' relatives

Requirements for Placement with Relatives**Statute: 20 ILCS 505/7**

- Ability to adequately provide for the child's safety and welfare
- Criminal record check and history of child abuse check of all members of the household
- The child's health, safety, and best interests must be met by the placement
- Relatives may file for licensure as a foster family home, which determines foster care payments

Indiana**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: § 31-34-4-2**

The court shall consider placing a child with a suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering any other out-of-home placement.

Requirements for Placement with Relatives**Statute: § 31-34-4-2**

Before placement the court may order the Division of Family and Children to complete a home study of the relative's home and provide a placement recommendation.

Iowa**Relative(s) Who May Adopt****Statute: § 600.8**

A relative within the 4th degree of relation

Requirements for Adoption by Relatives**Statute: § 600.8**

If a relative within the 4th degree assumes custody, a pre-placement investigation may be completed at a time established by the juvenile court or may be waived.

A criminal background and child abuse and neglect history check are required.

Relatives for Placement or Guardianship**Statute: §§ 600A.4, 232.102**

A stepparent or a relative within the 4th degree of relation may assume custody of a minor child.

Requirements for Placement with Relatives**Statute: § 232.102**

A person to whom custody of the child has been transferred pursuant to this section shall file a written report with the court at least every 6 months concerning the status and progress of the child.

Kansas**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: §§ 38-1584; 38-1502**

When parental rights have been terminated and it does not appear that adoption is a viable alternative, the court should give preference in granting custody for placement to relatives. A relative is a person related by blood, marriage, or adoption.

Requirements for Placement with Relatives**Statute: § 38-1584**

The relative must be willing and be a reputable person of good moral character.

Kentucky**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: § 620.090**

Preference shall be given to available and qualified relatives of a child for temporary custody placement.

Requirements for Placement with Relatives**Statute: § 605.120**

To the extent funds are available, the cabinet may establish a program for kinship care.

Louisiana**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: Ch.C. Art. 702; 622**

A child removed from the home of the parents shall be placed with priority given to a relative who is of the age of majority and with whom the child has been living in a wholesome and stable environment. Other relatives include grandparent, aunt or uncle, sibling, and cousin.

Requirements for Placement with Relatives**Statute: R.S. § 46:286.1**

A relative with whom a child is placed shall be eligible for payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents.

A relative who has been granted legal custody or guardianship over the child shall not be eligible to participate in kinship foster care.

Maine**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives**Statute: Tit. 18-A, §§ 9-304; 9-306**

If the petitioner is a blood relative of the child, the court may waive the requirement of a home study and report, including background check.

Expense payment restrictions do not apply when one of the adoptive parents is a relative.

Relatives for Placement or Guardianship**Statute: Tit. 22, § 4062**

In the residential placement of a child, the department shall consider giving preference to an adult relative over a non-related caregiver, as long as the related caregiver meets all relevant State child protection standards.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Maryland**Relative(s) Who May Adopt****Statute: Fam. Law § 5-321**

A relative by blood or marriage or the spouse of such relatives

Requirements for Adoption by Relatives**Statute: Fam. Law § 5-321**

The provision of counseling to the birth mother and accounting of payments in connection with adoption are not applicable in an adoption by a relative.

Relatives for Placement or Guardianship**Statute: Fam. Law § 5-525**

In out-of-home placements, the local department shall consider among other things, placing the child with relatives to whom adoption, guardianship, or care and custody, may be granted.

Requirements for Placement with Relatives**Statute: Fam. Law § 5-561**

An adult relative with whom a child is placed by the local department of social services must submit to a criminal background check.

Massachusetts**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Not addressed in statutes reviewed

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Michigan**Relative(s) Who May Adopt****Statute: § 710.27**

A relative is a person related to the child within the 5th degree through blood, marriage, or adoption. This also includes a stepparent.

Requirements for Adoption by Relatives**Statute: § 710.27**

Non-identifying and other relevant information do not need to be provided in adoptions by relatives.

Relatives for Placement or Guardianship**Statute: § 722.954a**

Upon removal from the home, the supervising agency shall, within 30 days, determine placement with a fit and appropriate relative who would meet the child's developmental, emotional, and physical needs as an alternative to foster care.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Minnesota**Relative(s) Who May Adopt****Statute: §§ 259.77; 256F.14**

Each authorized child-placing agency shall make special efforts to recruit an adoptive family from among the child's relatives. Relative means an adult who is a stepparent, grandparent, brother, sister, uncle, aunt, or other extended family member by blood, marriage, or adoption.

For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's Tribe or, nieces, nephews, and cousins.

Requirements for Adoption by Relatives**Statute: § 259.77**

Adoptive families should reflect the ethnic and racial diversity of the prospective adoptive child.

Relatives for Placement or Guardianship**Statute: §§ 260C.212; 260C.215; 260C.007**

If there is a need for placement, a fit and willing relative, able to satisfy child's particular needs, shall be identified by the relevant agency.

A relative is related by blood, marriage, or adoption to the child.

For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's Tribe or, nieces, nephews, and cousins.

Requirements for Placement with Relatives**Statute: § 260C.212**

The relative must keep the responsible social services agency informed of their current address.

Mississippi**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives**Statute: § 93-15-107**

The department may pay the costs of adoption proceedings initiated by relatives if they are unable to pay such costs.

Relatives for Placement or Guardianship

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Placement with Relatives**Statute: § 43-1-63**

Relatives must undergo criminal background checks.

Missouri**Relative(s) Who May Adopt****Statute: § 453.072**

Relative means any grandparent, aunt, uncle, adult sibling of the child, or adult first cousin of the child.

Requirements for Adoption by Relatives**Statute: § 453.072**

Any subsidies available to adoptive parents shall also be available to the qualified relative of a child who is granted legal guardianship of the child in the same manner as such subsidies are available for adoptive parents.

Relatives for Placement or Guardianship**Statute: § 210.565**

Whenever a child is placed in a foster home, the division of family services shall give preference and first consideration for foster home placement to relatives of the child. Grandparents will be given first preference. Relative means a person related to another by blood or affinity within the 3rd degree.

Requirements for Placement with Relatives**Statute: § 210.566**

Foster parents shall make decisions about the daily living concerns of the child and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage.

Montana**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Statute: § 42-3-212

The court may waive the requirement of a pre-placement and post-placement evaluation when a parent or guardian places a child for adoption directly with an extended family member of the child.

Relatives for Placement or Guardianship

Statute: § 40-6-407

In the case of a newborn, the department is not required to search for relatives as a placement or permanency option or to implement other placement requirements that give preference to relatives if the department does not have information as to the identity of the newborn or either parent.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Nebraska**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Statute: §§ 43-1312; 43-1508

If the return of the child to his or her parents is not likely, the department shall recommend termination of parental rights and referral for among other things, placement with relatives.

In the case of an Indian child, a preference shall be given, in the absence of good cause to the contrary, to a member of the Indian child's extended family.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Nevada**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Statute: § 128.110

Preference may be given to placement of the child with any person related within the 3rd degree of relation to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child.

Requirements for Placement with Relatives**Statute: §§ 432B.580; 422.392**

Placements must be reviewed at least semiannually, and within 90 days after a request by a party.

To receive benefits:

- The child must have resided with the relative for 6 months.
- The child must have consented to the legal guardianship.
- The qualifying relative must reside in the state and meet all other requirements specified by the department.

New Hampshire**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Not addressed in statutes reviewed

Requirements for Placement with Relatives

Not addressed in statutes reviewed

New Jersey**Relative(s) Who May Adopt****Statute: § 9:3-39.1**

A child may be placed for adoption with a brother, sister, aunt, uncle, grandparent, birth father, or stepparent.

Requirements for Adoption by Relatives**Statute: § 9:3-39.1**

A home study is required.

Relatives for Placement or Guardianship**Statute: §§ 30:4C-12.1; 30:4C-15.8**

The division shall initiate a search for relatives who may be willing and able to provide the care and support required by the child in its custody.

The division shall not be required to search for relatives as a placement or permanency option, or other requirements that give preference to relatives, if the identity of the child and parents are unknown.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

New Mexico**Relative(s) Who May Adopt****Statute: § 32A-5-12**

Any relative within the 5th degree of relation to the adoptee or that relative's spouse

Requirements for Adoption by Relatives**Statute: § 32A-5-14**

A pre-placement study is not required in cases in which a child is being adopted by a stepparent, relative, or a person named in the child's deceased parent's will.

Relatives for Placement or Guardianship**Statute: § 32A-1-4**

A relative of the child

Requirements for Placement with Relatives**Statute: § 40-7A-4**

Placement of a child in the home of a relative or guardian shall not require a license from the division.

New York**Relative(s) Who May Adopt****Statute: Soc. Serv. Law § 383-c**

Subject to relinquishment by a parent, the court shall accept all petitions for the adoption of a child by any relative of the child.

Requirements for Adoption by Relatives**Statute: Soc. Serv. Law § 383-c**

A home study is required.

Relatives for Placement or Guardianship**Statute: Fam. Ct. Law § 1017**

The court should determine whether the relative seeks approval as a foster parent for the purposes of providing care for a child in need of placement, or wishes to provide free care and custody for the child during the pendency of any orders.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

North Carolina**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Not addressed in statutes reviewed

Requirements for Placement with Relatives

Not addressed in statutes reviewed

North Dakota**Relative(s) Who May Adopt****Statute: § 14-15-11**

Relative means any person related to the minor by marriage, blood, or adoption: grandparent, brother, sister, stepbrother, stepsister, uncle, or aunt.

Requirements for Adoption by Relatives**Statute: § 14-15-11**

An investigation and report is not required in cases in which a stepparent is the petitioner or the person to be adopted is an adult.

The court may waive the home study requirement if the petitioner is a relative other than a stepparent, the minor has lived with the petitioner for at least 9 months, and no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household.

Relatives for Placement or Guardianship**Statute: § 14-10-05**

A parent may, upon written notice to the Department of Human Services, place his or her own child in the home of the child's grandparent, uncle, or aunt for adoption or guardianship.

Requirements for Placement with RelativesNot addressed in statutes reviewed

Northern Mariana Islands**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Not addressed in statutes reviewed

Requirements for Placement with RelativesNot addressed in statutes reviewed

Ohio**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: § 5103.161**

The agency shall consider giving preference to an adult relative over a non-relative caregiver when determining an adoptive placement for the child, provided the relative satisfies all relevant child protection standards.

Requirements for Placement with RelativesNot addressed in statutes reviewed

Oklahoma**Relative(s) Who May Adopt****Statute: Tit. 10, § 21.3**

An adult relative related to a child within the 3rd degree may accept the permanent care and custody of the child.

Requirements for Adoption by Relatives**Statute: Tit. 10, § 7505-5.1**

A pre-placement home study is not required if a minor is directly placed with a relative for purposes of adoption, but a home study of the relative is required during the pendency of a proceeding for adoption.

Relatives for Placement or Guardianship**Statute: Tit. 10, §§ 7202; 22.1**

When a child is placed into foster care, the child shall be placed, when the safety and well-being of the child can be assured, with relatives or other persons having a kinship relationship with the child, who are determined to be suitable, capable, and willing to serve as caretakers for the child.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Oregon**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: §§ 419B.192; 109.119**

If the court finds that a child or ward is in need of placement, there shall be a preference given to relatives, including stepparents, grandparents, and relatives by blood or marriage.

Requirements for Placement with Relatives**Statute: § 419B.192**

The relative must have the ability:

- To provide safety for the child
- To support the efforts of the department to implement the permanent plan for the child
- To meet the child's physical, emotional, and educational needs

Pennsylvania**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: 42 Pa.C.S.A. § 6351**

The Court must determine if and when a child will be placed with a fit and willing relative in cases where return to the child's parent is not best for the safety; protection; and physical, mental, and moral welfare of the child.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Puerto Rico**Relative(s) Who May Adopt**

Generally, a relative is person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Not addressed in statutes reviewed

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Rhode Island**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Statute: § 40-11-12.2

Prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home, the department shall explore placement of the child with a blood relative or other family member.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

South Carolina**Relative(s) Who May Adopt**

Statute: § 20-7-1820

A relative is a person related by blood or marriage.

Requirements for Adoption by Relatives

Statute: § 20-7-1820

No investigation or report is required unless otherwise directed by the court.

No accounting of all disbursements is required unless ordered by the court.

Relatives for Placement or Guardianship

Statute: § 20-7-2275

The department shall attempt to identify a relative who would be appropriate for placement of a child over whom it has custody.

A relative within the 1st, 2nd, or 3rd degree to the parent or stepparent of a child who may be related through blood, marriage, or adoption may be eligible for licensing as a kinship foster parent.

Requirements for Placement with Relatives**Statute: §§ 20-7-1630; 20-7-2275**

The department shall inform the relative providing foster care of the procedures for obtaining licensure and the benefits of licensure.

The relative must be 21 years of age or older and must complete kinship foster care licensing study.

Residents of the household who are age 18 or older must undergo criminal background checks.

The relative may receive payment for the full foster care rate.

South Dakota**Relative(s) Who May Adopt**

Generally, a relative is related to a child through blood, marriage, or adoption. Per § 25-6-2, the relative must be 10 years older than the child.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: § 26-8A-21.2**

If the court determines that reasonable efforts to return a child to the home of the parent are not appropriate, the court shall hold a hearing to determine whether the child should be placed permanently with a fit and willing relative.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Tennessee**Relative(s) Who May Adopt****Statute: § 36-1-116**

Generally, a relative is related to a child through blood, marriage, or adoption; this includes 'step' relatives.

Requirements for Adoption by Relatives**Statute: § 36-1-116**

In the case of an adoption by relatives, the parent will have no legal rights to the custody, control, or visitation with the child in the future.

Relatives for Placement or Guardianship**Statute: § 37-2-403**

Whenever return of a child to his or her parent is not in the best interest of the child, the relative with whom the child was temporarily placed after removal from the parents shall be given priority for permanent placement or adoption of the child prior to pursuing adoptive placement of such child with a non-relative.

Requirements for Placement with Relatives**Statute: §§ 37-2-403; 37-2-414**

The relative must be fit and willing to provide for the safety of the child.

If the relative qualifies for kinship foster care, he or she may receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.

Texas**Relative(s) Who May Adopt**

Generally, a relative is related to a child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Statute: Fam. Code §§ 263.3025; 262.201

The department is not required to conduct a search for or give preference to the child's relatives for purposes of permanent placement if the department does not have information concerning the child's identity or the identities of the child's parents.

Requirements for Placement with Relatives

Statute: Fam. Code § 263.306

Ability to provide the child with a safe environment

Utah**Relative(s) Who May Adopt**

Generally, a relative is related to a child through blood, marriage, or adoption. Per § 78-30-2, the relative must be at least 10 years older than the child.

Requirements for Adoption by Relatives

Statute: § 78-30-3.5

A pre-placement report is not required if the prospective adoptive parent is related to that child as a step-parent, sibling by half or whole blood or by adoption, grandparent, aunt, uncle, or 1st cousin, unless the evaluation is otherwise requested by the court.

The relative must submit to a criminal background check and to neglect and/or abuse history check. This requirement is applicable to all adult members of the household.

Relatives for Placement or Guardianship

Statute: § 78-3a-307

Preferential consideration may be given to a relative's request for placement of the child.

Relative means an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling of the child.

In the case of a child defined as an 'Indian' under the Indian Child Welfare Act, relative also means an extended family member.

Requirements for Placement with Relatives

Statute: § 78-3a-307

The relative must be:

- Fit to assume custody and able to assure the safety of the child
 - Willing to adopt or take permanent custody of the child
 - Subject to criminal background check and to a check for reports of abuse or neglect
 - Aware of the parent's history of abuse and determined to protect the child
 - Strong enough to resist inappropriate requests by the parent for access to the child
 - Committed to caring for the child as long as necessary
 - Able to provide a secure and stable environment for the child
-

Vermont**Relative(s) Who May Adopt****Statute: Tit. 15A, § 1-101**

Relative means a grandparent, great grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew of a person, whether related to the person by the whole or the half blood, affinity, or adoption.

The term does not include a person's stepparent.

Requirements for Adoption by Relatives**Statute: Tit. 15A, § 2-201**

Pre-placement evaluation is not required if a parent or guardian places a minor directly with a relative for purposes of adoption, but an evaluation of the relative is required during the pendency of a proceeding for adoption.

Relatives for Placement or Guardianship**Statute: Tit. 33, § 5531**

If child cannot be reunited with parents temporarily or permanently, he or she should be placed with a fit or willing relative.

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Virgin Islands**Relative(s) Who May Adopt****Statute: Tit. 16, § 141**

A relative, who is an inhabitant of the Virgin Islands, related to the child through blood, marriage, or adoption

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Not addressed in statutes reviewed

Requirements for Placement with Relatives

Not addressed in statutes reviewed

Virginia**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: § 16.1-281**

If the department concludes it is not reasonably likely that the child can be returned to his prior family within a practicable time, it shall design a placement plan to lead to the child's successful placement with a relative if a subsequent transfer of custody to the relative is planned.

Requirements for Placement with Relatives**Statute: §§ 16.1-281; 16.1-283**

The relative is:

- Willing and qualified to receive and care for the child
- Willing to have a positive, continuous relationship with the child
- Committed to providing a permanent, suitable home for the child
- Willing and has the ability to protect the child from abuse and neglect

The court's order transferring custody should provide for ongoing provision of social services to the child and the child's custodian.

Washington**Relative(s) Who May Adopt****Statute: § 26.33.140**

Any person who is legally competent and who is 18 years of age or older may be an adoptive parent.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: § 13.34.130**

Placement of the child with a relative under this subsection shall be given preference by the court.

Requirements for Placement with Relatives**Statute: § 13.34.130**

The relative must be suitable and competent to provide care and treatment.

Criminal history background check need not be completed before placement, but as soon as possible after placement.

West Virginia**Relative(s) Who May Adopt**

Generally, a relative is a person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship**Statute: §§ 49-6-5b; 49-6-8**

If reunification with parents not possible, a child may be placed with a fit and willing relative.

Requirements for Placement with RelativesNot addressed in statutes reviewed

Wisconsin**Relative(s) Who May Adopt****Statute: § 48.02**Relatives include grandparent, great-grandparent, stepparent, brother, sister, 1st cousin, nephew, niece, uncle, or aunt by blood, marriage, or adoption.

Requirements for Adoption by Relatives**Statute: § 48.835**

A parent may place a child in the home of a relative for adoption without a court order.

Relatives for Placement or Guardianship**Statute: § 48.57**

A 'kinship care' relative includes a stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any such person, even if the marriage is terminated.

Requirements for Placement with Relatives**Statute: § 48.57**

The department shall pay \$215 per month to a kinship care relative who is providing care and maintenance for a child, if the statutory provisions are satisfied.

The relative must undergo a criminal background check to receive funding.

The child should not receive funding from other Federal or State sources at the same time.

Wyoming**Relative(s) Who May Adopt**

Generally, a relative is person related to the child through blood, marriage, or adoption.

Requirements for Adoption by Relatives

Not addressed in statutes reviewed

Relatives for Placement or Guardianship

Not addressed in statutes reviewed

Requirements for Placement with Relatives

Not addressed in statutes reviewed